

### **REMARKS**

Reconsideration and allowance in view of the foregoing amendment and the following remarks are respectfully requested.

Applicant has amended the specification as required.

#### **Rejection of Claims 1, 8 and 13-14 Under 35 U.S.C. §103(a)**

The Office Action rejects claims 1, 8 and 13-14 under 35 U.S.C. §103(a) as being unpatentable over Reynar et al. (U.S. Patent No. 6,581,033) ("Reynar et al.") in view of Haddock (U.S. Patent No. 5,983,187) ("Haddock"). Applicant respectfully traverses this rejection and submits that one of skill in the art would not be motivated to combine these references and furthermore even if combined these references would fail to teach each claim limitation.

We first discuss claim 1. Applicant traverses the combination of these references but next analyzes the rejection as though it were appropriate to combine Reynar et al. with Haddock. The Office Action asserts that generating a plurality of lattices for received speech utterances associated with filling in a plurality of data fields is taught at column 8, line 25 through column 9, line 20 of Reynar et al. Applicant respectfully traverses this analysis and notes that this portion of Reynar et al. fails to teach anything regarding filling in a plurality of data fields. Applicant notes in column 7, lines 40-41 that when Reynar et al. teach the overview of their program modules, they disclose the context of correcting speech recognition mode errors that can result when "speech is input to an application program 138, such as a word processor." Accordingly, Applicant simply submits that the context and teachings of Reynar et al. relate to providing data into a document. What is taught is a word processor such as, for example, Microsoft Word, wherein a user is simply speaking and the text is being inserted into an application program. This teaching is found throughout the cited portion of Reynar et al. and throughout Reynar et al. in general. For example, column 9, lines 1 and 2 teach how results are

passed to an application program 138 for "input into the document." Similarly, column 9, lines 8-10 teach that the results from an alternate processor are called to the application program for input "into the document." Similarly, column 9, lines 16-20 teach that if the user chooses an alternate form of dictation then the application program can replace the dictation with the chosen candidate and the chosen candidate is "input into the document." Column 8, lines 28-30 also make reference for the results being input into the document. Applicant respectfully submits that what is taught in Reynar et al. is not the same thing as is recited in claim 1. Applicant can simply find no reference to filling in a plurality of data fields in Reynar et al. Accordingly, Applicant would submit that for this reason, the combination of Reynar et al. and Haddock fail to teach each limitation of claim 1.

Furthermore, the Office Action equates the step of concatenating the plurality of lattices into a single concatenated lattice with the teachings of Reynar et al. found at column 8, lines 32-54. Applicant notes that this portion of Reynar et al. merely teaches taking "lattices representing adjacent pieces of text can be combined into a larger lattice through a process known as concatenation". This process taught by Reynar et al. does not teach the same thing as is recited in claim 1. The plurality of lattices for received speech utterances in claim 1 must be associated with the filling in of a plurality of user selected data fields in a user interface. Then, those lattices are concatenated into a single concatenated lattice. The Office Action equates lattices generated simply from adjacent pieces of text that are concatenated together to form a larger lattice with the claimed lattices that are not from adjacent pieces of text but are from a plurality of user selected data fields. Applicant traverses the analysis of the Office Action because it ignores the clear limitations recited in claim 1 regarding what the generated plurality of lattices represents. The claims plurality of lattices are not generated simply from adjacent pieces of text but are generated for received speech utterances associated in filling in a plurality of user

selected data fields in a user database. Accordingly, Applicant submits that the Office Action is incorrect in equating the recited concatenation process with the concatenation taught in column 8 of Reynar et al.

It then follows that the Office Action is incorrect when it equates applying at least one language model to the single concatenated lattice in order to determine relationships between the plurality of lattices with the teachings in Reynar et al. at column 8, lines 1-17 and 33-54. Because, again as mentioned above, the plurality of lattices taught in Reynar et al. merely relate to adjacent pieces of text which are provided for entry into a document that they are not the same plurality of lattices that are recited in claim 1 which must be associated with the filling in of a plurality of user selected data fields. Accordingly, the step of applying at least one language model to the single concatenated lattice differs in claim 1 from Reynar et al. because the concatenated lattice in Reynar et al. is a lattice that represents a different structure and a different approach from the single concatenated lattice recited in claim 1. Accordingly, Applicant would respectfully submit that claim 1 is therefore patentable over the combination of references.

Similarly, for the same reasons set forth above, Applicant would submit that claims 8 and 14 are also patentable over the combination of references.

Claims 2-7 depend from claim 1, claims 9-13 depend from claim 8 and claims 15-16 depend from claim 14. These dependent claims are also patentable for the reason that their parent claims are patentable.

We now turn to address the issue of whether it is appropriate to combine these references. To establish a *prima facie* case of obviousness, the Examiner must meet three criteria. First, there must be some motivation or suggestion, either in the references themselves, or in the knowledge generally available to one of ordinary skill in the art, to combine the references. Second, there must be a reasonable expectation of success, and finally, the prior art references

must teach or suggest all the claim limitations. The Examiner bears the initial burden of providing some suggestion of the desirability of doing what the inventor has done. "To support the conclusion that the claimed invention is directed to obvious subject matter, either the references must expressly or impliedly suggest the claimed invention or the examiner must present a convincing line of reasoning as to why the artisan would have found the claimed invention to have been obvious in light of the teachings of the references." MPEP 2142.

If the proposed modification or combination of the prior art would change the principle of operation of the prior art invention being modified, then the teachings of the references are not sufficient to render the claims *prima facie* obvious. *In re Ratti*, 270 F.2d 810, 123 USPQ 349 (CCPA 1959). MPEP 2143.01..

Furthermore, if the examiner determines there is factual support for rejecting the claimed invention under 35 U.S.C. 103, the examiner must then consider any evidence supporting the patentability of the claimed invention, such as any evidence in the specification or any other evidence submitted by the applicant. The ultimate determination of patentability is based on the entire record, by a preponderance of evidence, with due consideration to the persuasiveness of any arguments and any secondary evidence. *In re Oetiker*, 977 F.2d 1443, 24 USPQ2d 1443 (Fed. Cir. 1992). The legal standard of "a preponderance of evidence" requires the evidence to be more convincing than the evidence which is offered in opposition to it. With regard to rejections under 35 U.S.C. 103, the examiner must provide evidence which as a whole shows that the legal determination sought to be proved (i.e., the reference teachings establish a *prima facie* case of obviousness) is more probable than not. MPEP 2142.

The test for obviousness is what the combined teachings of the references would have suggested to one of ordinary skill in the art, and all teachings in the prior art must be considered to the extent that they are in analogous arts. Where the teachings of two or more prior art

references conflict, the examiner must weigh the power of each reference to suggest solutions to one of ordinary skill in the art, considering the degree to which one reference might accurately discredit another. *In re Young*, 927 F.2d 588, 18 USPQ2d 1089 (Fed. Cir. 1991). MPEP 2143.01.

The mere fact that references can be combined or modified does not render the resultant combination obvious unless the prior art also suggests the desirability of the combination. *In re Mills*, 916 F.2d 680, 16 USPQ2d 1430 (Fed. Cir. 1990).

Applicant acknowledges that the Office Action accurately accepts the fact that Reynar et al. fail to teach that the data fields are user selected in the user interface. However, the Office Action asserts that it would have been obvious to one of ordinary skill in the art at the time of the invention to modify Reynar et al.'s method when it teaches filling in a plurality of data fields in a user interface as taught by Haddock to provide an interaction technique which allows structure and some content to be extracted. Thus, making it easier to review and integrate with other data. Applicant respectfully traverses this analysis because, as noted above, Reynar et al. fail to teach filling in plurality of data fields for teaching filling in a plurality of data fields in a user interface. Therefore, the characterization of what Reynar et al. teach on page 4 of the Office Action is simply inaccurate. Furthermore, Applicant respectfully traverses the reasoning that the Office Action articulates for supporting the idea that one of skill in the art would find it obvious to combine these references, namely that it would allow structure and some content to be extracted and make it easier to review and integrate with other data. Applicant traverses this because clearly, as introduced above, Reynar et al. teach a method for correcting speech recognition mode errors "in a document." Again this is in the context of providing speech, wherein the input speech goes into an application program such as a word processor where the user switches between a speech recognition mode and a command mode. Accordingly, correcting such speech recognition mode errors is the object and purpose of the teachings of Reynar et al. In contrast to

this, Haddock teaches a method for storing and accessing speech data preferably for pocket size products which allow users to capture and store speech data in digital form and to play back voice messages. An example of how Haddock works is found in column 4, lines 23-34. In this example, if the user is driving home and overtaken by a truck that has useful contact information about the business associated with the truck, the user could record upon voice memo using a system according to the invention. "The phonebook entry....business number is 408 927 6353....name is Hamilton and Co. Removals....comment is the truck says something about extra heavy items being a specialty, could get that piano shipped at last". Accordingly, what Haddock teaches is recognizing key words such as phonebook entry, business number is and so forth and it provides some structure to the content which makes it easier to review and record. One reason one of skill in the art would not be motivated to combine these references is that trying to combine the functionality of both of these references would be ultimately too complex for the state of the art of speech recognition. For example, combining Reynar et al.'s teachings with Haddock would require recognizing commands from given speech input such as "delete this word", and key word recognition such as "name is" or "home number is" or "business number is" as well as recognizing speech that is intended to be recorded. Accordingly, Applicant respectfully submits that one of skill in the art would recognize the complexities involved in trying to do too many functions with speech recognition such that one of skill in the art would not be motivated to combine these teachings.

Applicant notes that claims 1-16 in one form or another are rejected based on the combination of Reynar et al. and Haddock. Accordingly, Applicant respectfully submits that these claims are patentable inasmuch as by a preponderance of the evidence one of skill in the art would not be motivated to combine Haddock with Reynar et al.

**Rejection of Claims 2, 6-7, 9, 11 and 16 Under 35 U.S.C. §103(a)**

The Office Action rejects claims 2, 6-7, 9, 11 and 16 under 35 U.S.C. §103(a) as being unpatentable over Reynar et al. in view of Haddock and further in view of Thrasher et al. (U.S. Patent Publication No. 2002/0052742) ("Thrasher et al."). Applicant submits that since the parent claims are patentable that claims 2, 6-7, 9, 11 and 16 are patentable as well.

**CONCLUSION**

Having addressed all rejections and objections, Applicant respectfully submits that the subject application is in condition for allowance and a Notice to that effect is earnestly solicited. If necessary, the Commissioner for Patents is authorized to charge or credit the **Isaacson, Irving, Stelacone & Prass, LLC, Account No. 50-2960** for any deficiency or overpayment.

Respectfully submitted,

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